IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 258 OF 2005

State of Maharashtra & anr. ... Appellants.
Versus.
Trilokchand K.Agarwal & anr. ... Respondents.

Ms.Geeta Mulekar, A.G.P. for the Appellants.

Shri Abu Jaliwala for the Respondent No.1.

CORAM : ABHAY S. OKA, J.

DATED : 15th March, 2005.

P.C.:

1. Heard the learned A.G.P. for the Appellant. The challenge in this Appeal from Order filed by the original Defendants Nos.1 and 2 is to the order dated 22nd November 1998 by which interim relief was granted in favour of the Respondent No.1-original Plaintiff. By the order impugned the Respondent No.1 has been permitted to carry out repairs under the supervision of the Architect appointed as Court Commissioner.

2. A perusal of the record shows that there is no ad-interim relief granted by this Court till today and thus the interim order granted by the trial Court is operating for the last more than 7 years. The order of temporary injunction being discretionary order no interference is called for at this stage. Hence the Appeal from Order is dismissed with no order as to costs.

3. If the Written Statement is not filed by the Appellants it will be open for them to file the same within eight weeks from today. The learned trial Judge will decide the suit on its own merits without being influenced by the findings recorded in the impugned order and confirmation thereof by this Court.

4. The parties to act on an authenticated copy of this order.

Judge.